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05 UNITED STATES DISTRICT COURT
06 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

07 UNITED STATES OF AMERICA,) CASE NO. CR09-282-RAJ
08 Plaintiff,)
09 v.)
10 JAVIER ACEVEDO-MORALES,) DETENTION ORDER
11 Defendant.)
12 _____)

13 Offense charged:

14 Conspiracy to Distribute Cocaine; Distribution of Cocaine: Possession of cocaine with
15 Intent to Distribute

16 Date of Detention Hearing: October 6, 2009

17 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
18 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
19 that no condition or combination of conditions which defendant can meet will reasonably assure
20 the appearance of defendant as required and the safety of other persons and the community.

21 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22 (1) Defendant is reportedly a citizen of Mexico. His true name is Leonel Payan Cruz,

01 and he has been indicted in CR07-211 in that name and a detention order was entered.

02 (2) The United States alleges that his presence in this country is illegal. There is an
03 immigration detainer pending against him. The issue of detention in this case is therefore
04 essentially moot, as the defendant would be released to immigration custody if not detained in
05 this case.

06 (3) Defendant and his counsel offer no opposition to the entry of an order of detention.

07 (4) Upon advice of counsel, defendant declined to be interviewed by Pretrial Services.
08 Therefore, there is limited information available about him.

09 (5) There does not appear to be any condition or combination of conditions that will
10 reasonably assure the defendant's appearance at future Court hearings while addressing the
11 danger to other persons or the community.

12 It is therefore ORDERED:

13 (1) Defendant shall be detained pending trial and committed to the custody of the
14 Attorney General for confinement in a correction facility separate, to the extent
15 practicable, from persons awaiting or serving sentences or being held in custody
16 pending appeal;

17 (2) Defendant shall be afforded reasonable opportunity for private consultation with
18 counsel;

19 (3) On order of a court of the United States or on request of an attorney for the
20 Government, the person in charge of the corrections facility in which defendant
21 is confined shall deliver the defendant to a United States Marshal for the purpose
22 of an appearance in connection with a court proceeding; and

01 (4) The clerk shall direct copies of this Order to counsel for the United States, to
02 counsel for the defendant, to the United States Marshal, and to the United States
03 Pretrial Services Officer.

04 DATED this 6th day of October, 2009.

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06 Mary Alice Theiler
07 United States Magistrate Judge
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